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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,722	08/27/2002	Markus R Muller	13011	6910

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EXAMINER	
CHAWAN, SHEELA C	

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/088,722	MULLER, MARKUS R	
	Examiner	Art Unit	
	Sheela C. Chawan	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 5, 2006 has been entered and made of record.

Claim 2 is canceled.

Claims 1, 3 - 21 are pending in the application.

In response to applicant's submission of Amended Drawings, filed on May 5, 2006 the objections are withdrawn.

Response to Argument

2. Applicant's arguments see page 5 of the remarks, filed May 5, 2006 with respect to claims 1, 3-21 have been fully considered and are persuasive. The rejection of has been withdrawn.

Applicant's arguments see page 5 of the remarks, filed May 5, 2006, with respect to claims 1, 3-21 under 103(a) rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fujimoto et al., (US.5,177,802).

Drawings

3. The Examiner has approved drawings filed on 5/5/06.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 21, are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto et al., (US.5,177,802).

As to claim 1, Fujimoto discloses device for finger recognition, comprising:

a printless visual finger recognition sensor (fig 23, element 1301 is a fingerguide, fingerprint input apparatus or device) and a housing, at least partially enclosing the finger recognition sensor (fig 23, element 1301 corresponds to housing fig 23, 1303 corresponds to sensor or ccd or image sensor, column 19, lines 44- 58), the finger recognition sensor being arranged and constructed to sense the typical features of the finger during movement of the finger (column 19, lines 11-26, 44-68, column 20, lines 1-58, fig 21B is a model view showing 2D fingerprint image composed by synthesizing the one D image transferred from the image sensor 1203 every time driving unit 1207 is rotated by the rotation angle r , column 19, lines 14- 19, fig 21A shows the relation between the finger tip and the rotation (note, finger tip moving or rotation corresponds to finger movement) of the image sensor 1203, interlock with the rotation of driving unit 1207. column 19, lines 11-26, 44-46, column 20, lines 1-19), whereby a distance exists between the finger recognition sensor and the finger and/or between the housing and the finger (column 30, lines 32- 40, column 31, lines 59- 63, column 33, lines 16-23), and the distance between the finger and the finger recognition sensor changes during the actual sensing of the finger features (column 22, lines 25- 41, column 23, lines 5-25, 54-63, column 24, lines 4-18).

Regarding claim 21, argument analogous those presented for claim 1 are applicable to claim 21 Regarding "creating multiple images of the subject finger during movement of the finger based on reflected light alone, without contact between the subject finger and the finger recognition sensor" as discloses by Fujimoto as follow (fig 21A and 21B capturing multiple image of the finger, fig 23, column 19, lines 44- 68, column 20, lines 1- 55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al., (US.5,177,802), as applied to the claims 1 and 21 and further in view of Brooks (US. 6,898,299 B1).

Regarding claim 3, Fujimoto discloses a fingerprint input apparatus, which is suitable for fingerprint collation or identification. Fujimoto is silent about the finger recognition sensor is active in the infrared wave range.

Brooks discloses a detection of unique energy characteristics of an individual living organism. More specifically, the present invention relates to biometric recognition of an organism based on a biometric signature of the individual acquired by sensing

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unique electric and/or magnetic and/or acoustic properties of the individual by sensors with unique characteristics. Recognition of the individual in this manner enables the individual to perform an action. The system comprises of:

device according characterized by the fact that the finger recognition sensor is active in the infrared wave range (column 43, lines 40- 46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fujimoto to include recognition sensor is active in the infrared wave range. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fujimoto by the teaching of Brooks to provider monitoring, comprising the steps of obtaining a biometric signature of an individual via a touchless mechanism having a sensor mechanism sensing an electric and/or magnetic characteristic of the individual, and transmitting the signature along with to a mechanism ID, to a remote site to monitor the location of the individual, (as suggested by Brooks at column 5, lines 62- 67).

As to claim 4, Brooks discloses device according to characterized by the fact that the finger recognition sensor is a capacitive sensor (column 13, lines 13-23, column 56, lines 17-22),

As to claims 5, 14, 15 and 16 Brooks disclose device according to characterized by the fact that a positioning device is intended for the accurate positioning of the finger relating to the finger recognition sensor (note, in fig 13, item 110 corresponds to finger is which is accurately position)

As to claim 6, Brooks discloses device according to characterized by the fact that the positioning device (3) exhibits a display device (fig 1, item 34, column 17, lines 19-23), which indicates to the user the place, at the finger is to moved past or to be positioned (column 17 lines 19-23).

As to claims 7 and 17, Brooks discloses device according to characterized by the fact as positioning device a transmitter is intended for the data acquisition of the position of the finger and that an output unit informing the user about the position of the finger is intended (column 18, lines 17-32).

As to claims 8, 18 and 19 Brooks discloses device characterized by the fact that the positioning device exhibits light sources as display device and/or as output unit (fig 2).

As to claims 9 and 20, Brooks discloses device according to characterized by the fact that a positioning device is intended for the accurate positioning of the finger relating to the finger recognition sensor (column 5, lines 59-61).

As to claim 10, Brooks discloses device according to characterized by the fact that as positioning device a transmitter is intended for the data acquisition of the position of the finger and that an output unit informing the user about the position of the finger is intended (column 5, lines 62-67, column 6, lines 1-3).

As to claim 11, Brooks discloses device characterized by the fact that the limitation device consists of a horizontally or vertically arranged hoop (column 20, lines 5-11, column 24, lines 18-30).

As to claim 12, Brooks discloses device characterized by the fact that the limitation device consists of a horizontally or vertically arranged bar (column 20, lines 5-11, column 24, lines 18-30).

As to claim 13, Brooks discloses device characterized by the fact that the limitation device exhibits a life test sensor, which acquires the blood circulation or the pulse of the finger (column 24, lines 18-30).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP, 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
April 21, 2007


SHEELA CHAWAN
PRIMARY EXAMINER